

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sheree Ryback on October 26, 2009.

The restriction requirement is hereby withdrawn.

Claims 7, 9-10, 12, 20-21, 36-37, 42-44, 46-58, 61, 63, 69, 71-73, 76, 81 have been rejoined. Claims 1, 3-7, 9-12, 17, 19-21, 23-24, 36-38, 41-58, 61, 63, 69, 71-73, 76, 81, 96, 102-103 are allowed.

#### **Claim 104 has been cancelled.**

Claims 1, 4, 63, 102 have been amended as follows:

1. A composition comprising:  
ribbons, fibrils or fibres, wherein each of the ribbons, fibrils or fibres has an antiparallel arrangement of peptides in a  $\beta$ -sheet tape-like substructure at physiological pH and physiological salt concentration, wherein each peptide comprises a net -2 or +2 charge, and wherein the peptide is P11-3; and  
~~a physiological concentration of salt~~ sodium chloride concentration equal to or about 145 mM,

wherein the composition is at a physiological pH, and wherein the peptide is present at a concentration of greater than 15 mg/ml in the composition.

4. The composition according to claim 3, wherein the ratio of total amino acids to net charged amino acids is from 11:1 to 11:3.

63. ~~The method of claim 61, wherein the method is a method of bone repair~~ A method for bone repair comprising applying the composition of claim 1 as a scaffold.

102. A composition comprising:  
ribbons, fibrils or fibres, wherein each of the ribbons, fibrils or fibres has an antiparallel arrangement of peptides in a  $\beta$ -sheet tape-like substructure at physiological pH ~~and physiological salt concentration~~, wherein each peptide comprises a net -2 or +2 charge, and wherein the peptide is P11-3; and ~~a physiological concentration of salt~~ a sodium chloride concentration equal to or about 145 mM,

wherein the composition is at a physiological pH, and wherein the peptide is at a concentration of 15 mg/ml to 35 mg/ml in the composition.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: A composition comprising ribbons, fibrils or fibres, wherein each of the ribbons, fibrils or fibres has an antiparallel arrangement of peptides in a b-sheet tape-like substructure at physiological pH, wherein the peptide is P11-3 (QQRFEWEFEQQ, SEQ ID NO: 3) is both novel and unobvious over the prior art of record. Support for "equal to or about 145 mM NaCl" can be found at page 7, lines 9-10 (or paragraph [0035] of US 2006/0154852 A1). Support for method of bone repair of claim 63 can be found at page 17, lines 14-31 (or paragraphs [0082]-[0086] of US 2006/0154852 A1).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Claims 1, 3-7, 9-12, 17, 19-21, 23-24, 36-38, 41-58, 61, 63, 69, 71-73, 76, 81, 96, 102-103 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIE HA whose telephone number is (571)272-5982. The examiner can normally be reached on Mon-Thurs, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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